

Im 6/989

U.S. Department of Justice
Immigration and Naturalization Service

**United States
Immigration Laws**

General Information



J 21. 5/2'

READER
FICHE

best copy available

U.S. Department of Justice
Immigration and Naturalization Service (INS)



United States Immigration Laws

General Information

M-50 (Rev. 2-22-89) N

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, DC 20402

FORWARD

This pamphlet furnishes information which should answer the questions most frequently asked by aliens wishing to enter the United States. It is not practicable to discuss exceptional situations or to include all of the requirements and exemptions applicable to special classes. (Such as members of the crew of a vessel or aircraft). The Immigration and Nationality Act contains virtually all of the law relating to the entry of aliens and to the acquisition and loss of U.S. citizenship. Title 8 of the Code of Federal Regulations contains the regulations relating to immigration and nationality. If more information is needed than is provided in this pamphlet, it may be obtained from any of the INS offices listed in pages 20 through 23.

CONTENTS

Page

Forward	ii
General Information	1
Nonimmigrants	1
Entry documents for nonimmigrants	5
Nonimmigrants visas not required	5
Passport not required	6
Special requirements	6
Problems	10
Immigrants	12
Preference categories	12
Special Immigrants	13
Immediate relatives of U.S. citizens	14
Refugees	15
Special note	15
Entry documents for immigrants	15
Lawful permanent residents	16
New immigrants not required to present passports or visas	16
New immigrants not required to present passports—but require visas	17
Visa petitions—relatives	17
Visa petitions—workers	18
Change of status from one nonimmigrant category to another	18
Legalizing your status	19
Adjustment of status from nonimmigrant to immigrant	20
Registration and fingerprinting	20
Address reporting	21
Permission to enter the United States	21
Addresses of offices of the Immigration and Naturalization Service	22-25

GENERAL INFORMATION

The immigration laws of the United States control the admission of aliens and the distribution of benefits to those who are qualified. You are an "alien" for immigration purposes if you are not a citizen of the United States and are either stateless or are a citizen of any place other than the United States, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands.

If you are an alien and you want to travel to the United States you must meet certain visa requirements. The requirements are different for intended immigrants (if you want to live here permanently) and for nonimmigrants (if your stay will be temporary).

Please read the section which is about your type of trip—permanent or temporary. Also, you should read the list of reasons that aliens are not allowed into the United States.

NONIMMIGRANTS

This is a list of nonimmigrant categories. After you find the category that applies to you, you should read the section titled "Special Requirements" that explains any additional rules you must follow. You will also find employment rules for nonimmigrants in the "Special Requirements" section.

A—Government Official—this classification applies to you if you are an ambassador, public minister, diplomat, consular officer, or other official or employee assigned to represent your country to the United States. You must be accredited by your government and accepted by our government. This category also applies to your immediate family, servants or attendants, and their immediate families.

B—Visitor—this classification applies to you if you have a home in a foreign country to which you will return after a short stay in the United States, and your stay is for one of the following reasons:

(1) *For Business*—to attend meetings, buy goods, negotiate contracts, act as a representative of a foreign employer;

(2) *For Pleasure*—to tour, visit friends or family, sightsee.

C—Transit—this classification applies to you if you must pass through this country on your way to a third country and will not need to stay in the United States for more than a few days. If you are a foreign representative to the United Nations and are not eligible for a "G" nonimmigrant classification, this category allows you to travel only to and from the U.N. Headquarters District.

D—Crewman—this classification applies to you if you are working as a crewman on a vessel or aircraft, and your work is required for normal operation of the ship or plane. Note: This does not apply to U.S. fishing boats.

E—Treaty Trader or Investor—this classification is correct if you have the nationality of a country which has a trade treaty with the United States and;

(1) You represent a company which will carry on trade with the United States. Your U.S. office must do 51% or more of its business (trade) with your country; or

(2) You are directing and developing a business in which you have invested a substantial amount of capital.

This category also applies to your spouse and unmarried children under 21 years of age.

F—Academic Student—this classification is for you if you will be studying an academic course at a school authorized by INS to allow foreign students to attend. You must have a home in a foreign country to which you will return when you complete your studies. This classification also applies to your spouse and unmarried children under 21 years of age. Note: If you wish to study a vocational or non-academic course see "M—Non-academic Student".

G—Representative to International Organization—this classification applies to you if you are accredited by your government to represent it to an international organization such as the United Nations, World Bank, or Red Cross. This classification also applies to your spouse and unmarried children, your staff, your servants and attendants.

H-Temporary Worker—this classification applies to you if you are coming to the United States to work in a temporary job and have a home in a foreign country to which you will return after your temporary stay. There are three different classes:

(1) *Alien of distinguished merit and ability*—if you are a professional or otherwise of distinguished ability and the temporary job requires these unique qualities, this is the proper category for you. Note: If you are a graduate of a foreign medical school you may be classified H-1 only if you are coming to teach or conduct research at a public or non-profit institution.

(2) *Temporary Services for general labor*—if you have a skill which is in short supply in the United States and the job you will fill is only a temporary one, this is the proper category for you. Note: If you are a graduate of a foreign medical school you may not be classified as an H-2.

(3) *Trainee*—if you will receive training which is not available in your home country and which you will use outside of the United States, this is the proper category for you. Additionally, the person providing your training must have an established, formal program to provide the training. Note: If you are a graduate of a medical school you may not be classified as an H-3.

(4) *Dependents*—your spouse and unmarried children under 21 years of age may be classified as H-4's, if you are classified H-1, H-2, or H-3. (See "Special Requirements-H Petitions")

I-Foreign Information Media Representative—this classification is for you if you will represent a foreign newspaper, radio station, television station, news service, etc., in the United States. This classification would include your spouse and unmarried children under 21 years of age.

J-Exchange Alien—this classification applies to you if you will participate in a program approved by the United States Information Agency. Your program participation can be as a student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge. If you are a graduate of a foreign medical school and you wish to receive graduate medical education or training in

the United States you must meet special requirements. These requirements can be explained to you by a consular official, an immigration official or by contacting the Educational Commission for Foreign Medical Graduates. The ECFMG is located at 3624 Market Street, Philadelphia, Pennsylvania 19104.

To further qualify as an exchange alien you must have a home in a foreign country to which you will return after your stay in the United States. This classification applies to your spouse and unmarried children under 21 years of age.

K-Fiance or Fiancee-this classification is for you if you are planning to marry a citizen of the United States. Your marriage to the petitioner must take place within 90 days of your arrival in this country. Your unmarried children under 21 year of age would also qualify for this classification. (See "Special Requirements-K Petitions")

L-Intra-Company Transferee-this classification applies to you if you are coming to the United States to work for the parent company, branch, subsidiary or affiliate of your foreign employer. You must have been employed by the foreign company for at least one year immediately prior to your transfer to this country. Also, your employment must have been as an executive, manager, or specialist and the job in the United States must be in one of those categories. This classification can also include your spouse and unmarried children under 21 years of age. (See "Special Requirements-L Petitions")

M-this classification applies to you if you will be studying at a vocational or other non-academic school which has been authorized by INS to allow foreign students to attend. You must have a home in a foreign country to which you will return after you complete your studies. Your spouse and unmarried children under 21 years of age can also be included in this classification.

N-this classification applies to you if you are a parent or child of a person granted special immigrant permanent resident status as an officer, employee or a family member of an officer or employee of an international organization who was admitted to the United States as a G-IV nonimmigrant.

ENTRY DOCUMENTS FOR NONIMMIGRANTS

To enter the United States as a nonimmigrant you will need a passport and a visa. This passport must be issued by your country of nationality. You may also use a travel document commonly called a *laissez-passer* which is normally issued by the country of your residence if you are unable to obtain a passport. Generally, your passport must be valid for 6 months beyond the intended length of your stay in this country. There are certain exceptions, but it is best to have your passport valid for longer than necessary.

A visa is a type of permission to request admission to a country. It does not guarantee that you will be allowed to enter, or if allowed, how long you may stay. Visas for this country are issued by the United States Consulates located in many foreign countries. If you require a visa, it is best to contact the U.S. Consulate in the country where you live.

NONIMMIGRANT VISAS NOT REQUIRED

You do not require a visa to enter the United States temporarily if you are a Canadian or British subject (you travel on a British passport) have your home in Canada or Bermuda, and you have traveled only in the Western Hemisphere on this trip. (Note: A fiance or fiancée "K" classification requires you to have a nonimmigrant visa.)

You do not require a visa if you are a Mexican presenting a Mexican Border Crossing Card (MICA), INS Form I-186 or I-586, are coming across the Mexican or Canadian border with the United States, and your purpose is to visit (B-2) or conduct business (B-1) in this country.

You do not require a visa if you are a landed immigrant in Canada in possession of a Canadian Border Crossing Identification Card, and you are applying for admission for a visit to the United States of six months or less (or from Mexico if you have not traveled to any country other than Mexico on this trip).

You do not require a visa if you are an alien in direct transit through the United States, without stopovers. You must arrive on an airline which has signed a "TWOV" agreement with the Commissioner of the Immigration & Naturalization Service. You must have an onward ticket to a third country (not the country you came from and not the United States); and you must have a passport or *laissez-passer* and any visa needed to enter the onward country.

You do not require a visa if you are a British, French, Netherlands, Barbados, Grenada, Jamaica, or Trinidad and Tobago national and you live in British, French, or Netherlands territory adjacent to the Caribbean Sea, or in Barbados; Grenada, Jamaica, or Trinidad and Tobago; and, if you are coming to the United States as an agricultural worker (H-2); or, you have a valid labor certification for employment in the U.S. Virgin Islands (Your spouse and children are also exempt from the visa requirement if they are traveling with you or coming to join you).

A visa is not required (during the period from July 1, 1988 to September 30, 1991) under the Visa Waiver Pilot Program, if you are a British citizen with the right of abode in the United Kingdom (or a Japanese citizen—effective 12/15/88—or a citizen of six other countries yet to be designated), traveling to the United States on a carrier which is signatory to an agreement under the program, in possession of a valid passport and a roundtrip ticket, planning to visit the United States for ninety days or less for business or pleasure, and have signed a Visa Waiver Pilot Program Information Form (Form I-791), waiving your rights to an exclusion or deportation hearing. Form I-791 may be obtained from a carrier participating in the program.

PASSPORT NOT REQUIRED

You do not require a passport if you are also not required to have a visa under paragraphs 1, 2, or 5 in the section titled "Nonimmigrant Visas not Required".

SPECIAL REQUIREMENTS

This section will explain to you any special requirements needed to qualify for certain nonimmigrant

classifications. It will also tell you if the classification gives permission to work in the United States or if you must make a special request to get permission to work.

A-As a government representative you may only be employed by the government which sent you to the United States. Your servants or attendants may work only for you. Your spouse and dependents may request permission to work. You should contact the Department of State, Office of Protocol for further information.

B-1-As a business visitor you may only be employed by a foreign employer. You will only be allowed to do work which is in support of international trade or commerce. You will not be allowed to do work which can be done by a legal resident of this country.

B-2-As a visitor for pleasure **YOU MAY NOT WORK** in the United States.

C-As an alien in direct transit you can remain in the United States for up to 29 days and will not be allowed to work.

D-As a crewperson you may only work on board the aircraft or vessel of the foreign company which employs you.

E-A treaty trader or treaty investor may only work for the company which is doing the international trade or the company that you or your employer have invested in. Your spouse and children may not work.

F-To become an academic student in the United States you must be accepted by a school which the Immigration and Naturalization Service has approved for attendance by nonimmigrant students. The school will issue a student eligibility form to you-the I-20AB. This form is presented to the American consular officer to obtain your visa, and to the immigration officer when you arrive in the U.S.

As an academic student you may only work in certain situations. If you need to work because of a serious change in your ability to meet your expenses as a student you may seek employment authorization from the Immigration and Naturalization Service. You will not be granted permission to engage in off-campus employment during your first year in the United

States as a student. Also, the permission to work is for part-time work only. You may work off campus not more than 20 hours per week while school is in session and full-time during school vacation, or recess periods. You can request permission to work in order to gain practical experience in your field of study both before and after completion of your educational program. Your foreign student advisor can answer your questions about this. Your spouse and children may not work.

G—As a representative to an international organization you may only work for that organization. Your spouse or dependents may request permission to work. You should contact the Visa Office of the Department of State or the United States Mission at the United Nations for further information.

H—A nonimmigrant visa petition (Form I-129H) must be approved by the Immigration and Naturalization Service before you can be classified as an H-1, H-2, or H-3. The petition is filed by the person or company offering you employment as an H-1 or H-2, or the person or company providing you training as an H-3.

H-2A and H-2B—petitions require a certification by the Department of Labor that the skill you will use is in short supply in the United States. This must be obtained prior to the petition being filed with the Immigration and Naturalization Service. Contact the local state employment services office for further details regarding labor certificates. Both H-2A petitions for agricultural workers and H-2B petitions for non-agricultural workers must be filed on form I-129H.

As an H-1, H-2A, H-2B, or H-3 you are only authorized to work for the person or company that filed the petition for you. You may not begin employment or training until you are granted H-1, H-2, or H-3 status and have received a notice, in writing, that the Immigration and Naturalization Service has granted that status to you. An H-4 spouse or child may not work.

I—As a representative of a foreign information media you are authorized to be employed only by your

foreign based employer. Your spouse and children may not work.

J—To become an exchange visitor you must be sponsored by an exchange program. The sponsor will issue Form IAP-66 to you. This form is presented to the American consular officer to obtain your visa and is again presented to the immigration officer when you enter the United States.

If you are a graduate of a foreign medical school and desire to participate in an exchange program you should contact the Educational Commission for Foreign Medical Graduates at 3624 Market Street, Philadelphia, PA 19104 for further information. As an exchange alien you are only allowed to work in accordance with the program requirements of your sponsor. Your spouse and children may request permission to work from the immigration office having jurisdiction over your temporary residence in the United States.

K—To be classified as a K nonimmigrant you must have your United States citizen fiance or fiancée file a petition for you. This is done on Form I-129F, accompanied by a photograph and a Form G-325A from both of you. Both you and your fiancée(e) must have previously met in person within the last 2 years (unless a waiver has been granted by the Attorney General in his discretion), have a bona fide intention to marry and be legally free to marry when the petition is filed. You will be given permission to work when you are admitted to the United States under the "K" classification. Your unmarried, minor children may also receive permission to work when they arrive.

L—A nonimmigrant visa petition (Form I-129L) must be approved by the Immigration and Naturalization Service before you can be classified as an intra-company transferee. The petition is filed by the person or company that will employ you. As an L-1 you may only work for the person or company that filed the petition for you. Your spouse and children may not work.

M—To become a non-academic/vocational student in the United States you must be accepted by a school which the Immigration and Naturalization Service has approved for attendance by nonimmigrant students.

The school will issue a student eligibility form to you—the I-20MN. This form is presented to the American consular officer to obtain your visa, and to the immigration officer when you arrive in the U.S. You may be allowed to work in the United States for practical training if permission to do so has first been granted by the Immigration and Naturalization Service. Ask your foreign student advisor for details. Your spouse and children may not work.

N—To qualify as a parent of an international organization special immigrant, or the child of such parent, or the child of an international organization special immigrant, you must file an I-506 application to change nonimmigrant status if in the United States in a lawful status. If outside the United States you must apply at an American Embassy. To qualify as a "N" parent you must be the parent of an international organization special immigrant who is under 21 years of age and unmarried. To qualify as a "N" child you must be unmarried, under 21 years of age, and be the child of a "N" parent, or an international organization special immigrant parent.

PROBLEMS

The following are reasons you cannot be allowed into the United States. You are required to tell a consular officer or immigration officer if any of these reasons apply to you:

1. You are mentally retarded.
2. You are insane.
3. You have ever been insane.
4. You are mentally ill or homosexual.
5. You are a drug addict or alcoholic.
6. You have a dangerous, contagious disease. (TB, leprosy, syphilis, HIV, AIDS)
7. You are an intending immigrant and you have a disease or medical problem which would prevent you from earning a living.
8. You are a beggar.
9. You have been convicted of a serious crime or have ever committed a serious crime.
10. You have been convicted of two or more crimes and were jailed for 5 or more years.

11. You are a polygamist. (applies to immigrants only)

12. You are or were a prostitute or procurer of prostitutes.

13. You are coming for immoral sexual acts.

14. You are coming to work and do not have a labor certification.

15. You are likely to become a public charge.

16. You have previously not been allowed to enter the U.S. within the last year under a formal order of exclusion.

17. You have been arrested and deported from the U.S. within the last five years.

18. You are a stowaway.

19. You got or tried to get your visa or enter the U.S. by fraud or misrepresentation.

20. Your immigrant visa expired or you do not have an immigrant visa and you are coming permanently.

21. You have not had the proper immigrant petition approved in your behalf.

22. You cannot legally become a U.S. citizen because you are a draft evader or a deserter from the United States Armed Services.

23. You are a drug trafficker or have been convicted of possession of drugs or marijuana.

24. [Repealed]

25. You are coming as an immigrant and cannot read or write some language.

26. You do not have a passport valid for six months longer than your stay and you do not have a valid border crossing card (see "Nonimmigrant visas not required", "Passports not required" for exception).

27. You are coming to do acts that are prejudicial to the common interest or that will endanger the welfare, safety, or security of the United States.

28. You are or were a communist or anarchist.

29. You are coming to engage in prohibitive activities; activities that are in opposition to the United States government; or to participate in the activities of subversive organizations.

30. You are in charge of another alien who is not allowed into the United States.

31. You have helped aliens enter the United States illegally.

32. You are a graduate of a medical school and are coming as an immigrant to practice medicine.

33. You were a Nazi and helped persecute people.

Many reasons listed above can be overcome to allow for your admission, either as an immigrant or nonimmigrant. You should contact an immigration office or American Consulate to inquire about waivers and other authorizations for admission.

IMMIGRANTS

You are treated as an "immigrant" to the United States unless you can prove that you belong in one of the previously listed nonimmigrant categories. Immigrants come within one of four broad classes:

- (1) Preference categories.
- (2) Special immigrants.
- (3) Immediate relatives of a United States citizen.
- (4) Refugees.

PREFERENCE CATEGORIES

A. First Preference—Unmarried sons or daughters of citizens of the United States (See Visa Petitions—Relatives).

B. Second Preference—Spouses and unmarried sons or daughters of permanent resident aliens (See Visa Petitions—Relatives).

C. Third Preference—Members of the professions or aliens with exceptional ability in the sciences or arts (See Visa Petitions—Workers).

D. Fourth Preference—Married sons or daughters of citizens of the United States (See Visa Petitions—Relatives).

E. Fifth Preference—Brothers or sisters of citizens of the United States (See Visa Petitions—Relatives).

F. Sixth Preference—Skilled or unskilled labor in short supply in the United States (See Visa Petitions—Workers).

G. Nonpreference—Includes those who obtain a labor certification and are placed on a waiting list in the order they obtained their certification. Also, aliens

exempt from a labor certification can also reserve a place on the waiting list (aliens who have invested \$100,000 or more in a business in the United States; dependents of preference aliens, and members of the Armed Forces of the United States).

SPECIAL IMMIGRANTS

A. Lawfully admitted permanent residents returning from a temporary trip abroad.

B. A former U.S. citizen who may apply to become a citizen again.

C. A minister of religion (and spouse and unmarried minor children) who was ordained 2 years or more prior to applying for admission, performed only ministerial duties during those 2 years and is coming to perform only ministerial duties for a bona fide religious organization in this country.

D. An employee, or honorably retired employee, of the U.S. Government abroad (and spouse and unmarried minor children) with 15 or more years service and special immigrant approval by the Secretary of State.

E. Certain employees, former employees and retirees of the Panama Canal Company or the Panama Canal Zone Government, their spouses and unmarried minor children.

F. A foreign medical graduate (and spouse and unmarried minor children). The graduate must have a full and permanent license to practice medicine issued prior to January 9, 1978; must have been continuously practicing medicine since entry; must have entered the U.S. as a J-1 (exchange alien) or as an H (temporary worker) before January 10, 1978.

G. An unmarried child with the required amount of physical presence in the United States as a dependent of a G-IV nonimmigrant; a spouse or child of a deceased G-IV nonimmigrant and his or her spouse with the required amount of physical presence in the United States.

IMMEDIATE RELATIVES OF U.S. CITIZENS

You are an immediate relative if you are the spouse, child, or parent of a U.S. citizen. A citizen must be at least 21 years of age to petition for parents. (See Petitions-Relatives).

You are a "child" under the Immigration Law if you are unmarried and under 21 years of age and one of the following apply:

- (1) A legitimate child.
- (2) A stepchild; provided the child had not reached the age of 18 years at the time the marriage creating the status of stepchild occurred.
- (3) A child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, if such legitimation takes place before the child reaches the age of 18 years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation.
- (4) An illegitimate child, by, through whom, or on whose behalf a status is sought by virtue of relationship of the child to its natural mother or to its natural father if the father has or had a bona fide parent-child relationship with the person.
- (5) A child adopted while under the age of 16 years if the child has been in the legal custody of, and has resided with the adopting parent(s) for at least 2 years.
- (6) A child, under the age of 16 at the time a petition is filed to accord a classification as an "immediate relative," who is an orphan because of:
 - (a) The death or disappearance of, abandonment or desertion by, or separation or loss from, both parents; or
 - (b) For whom the sole or surviving parent is incapable of providing the proper care which will be provided for the child if admitted to the United States and whose parent has in writing irrevocably released the child for emigration and adoption; and
 - (c) Who has been adopted abroad by a U.S. citizen and spouse jointly or by an unmarried United States citizen who is at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings; or

(d) Who is coming to the United States for adoption by a United States citizen and spouse jointly, or by an unmarried United States citizen who is at least twenty-five years of age, who have or has complied with the preadoption requirements, if any, of the child's proposed state of residence. (Consult the nearest Immigration and Naturalization Service office concerning adoption requirements and special procedures.)

REFUGEES

You are a refugee if you are outside your country of nationality or, if not having a nationality, outside the country of last habitual residence and are unwilling and unable to return to such a country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion.

You will not be considered to be a "refugee" if you ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group or political opinion.

SPECIAL NOTE

Nothing in the Immigration and Nationality Act shall be construed as affecting the right of an American Indian born in Canada, possessing at least 50 percent of the blood of that race, to pass the borders of the United States.

ENTRY DOCUMENTS FOR IMMIGRANTS

To enter the United States as an immigrant you will generally need to present a valid passport and an immigrant visa. Different rules apply to you if you are already a permanent resident alien.

LAWFUL PERMANENT RESIDENTS

If you have been previously admitted to the United States as an immigrant you are not required to present a passport or a visa to be readmitted as a permanent resident. You must present your alien registration receipt card (Form I-551 or Form I-151; commonly called a "green card"). Your alien card is valid for reentry if you did not intend to leave the United States permanently and you are returning within one year from your departure. If your trip will be for more than one year or you need a travel document to take the place of a passport that you cannot obtain, you can apply for a reentry permit (Form I-327). A reentry permit is valid for 2 years from the date of issuance. The unexpired reentry permit must be presented to the inspecting officer upon your return to the United States. There are no extensions of reentry permits. If you are the spouse or child of a member of the Armed Forces of the U.S. or a civilian employee of the U.S. Government stationed abroad on official orders, regardless of the amount of time spent abroad with your spouse or parent, you do not need to present a passport or visa. You must present your alien registration receipt card. If you were a refugee in the United States prior to becoming a lawful permanent resident, you can also use a Refugee Travel Document (Form I-571) to reenter this country.

NEW IMMIGRANTS NOT REQUIRED TO PRESENT PASSPORTS OR VISAS

A valid passport or visa is not required for the following:

(1) A child born after the issuance of an immigrant visa to accompanying parent(s) who applies for admission during the validity of the parent(s) visa.

(2) A child born during the temporary absence of the mother who is a lawful permanent resident alien or a national of the United States. The child's application for admission must be within 2 years of birth and

the child must be accompanied by the parent(s) who is applying for readmission as a permanent resident for the 1st time after the birth of the child.

NEW IMMIGRANTS NOT REQUIRED TO PRESENT PASSPORTS—BUT REQUIRE VISAS

You will require an unexpired visa but not a valid passport if you are one of the following:

(1) An alien, otherwise admissible, who has been lawfully admitted to the United States for permanent residence and who is returning after a temporary absence and who presents a valid unexpired "special-immigrant" visa. (This visa is required if you do not have a valid Alien Registration Receipt Card (Form I-551, or Form I-151) or a valid, unexpired reentry permit).

(2) An immigrant, otherwise admissible, who is a stateless person or a person who because of opposition to communism is unwilling or unable to obtain a passport from his or her country of nationality or is the accompanying spouse or unmarried son or daughter of such immigrant.

(3) An immigrant, otherwise admissible, who is a member of the Armed Forces of the United States traveling pursuant to military orders.

(4) An alien who is a third-preference immigrant.

VISA PETITIONS—RELATIVES

A visa petition is required to be filed and approved before an alien can be classified under the preference system or as an immediate relative of a United States citizen. Form I-130 is used for this purpose. The petition is filed by a United States citizen or an alien lawfully admitted for permanent residence. If the petition is filed on behalf of a spouse, it must be accompanied by a photograph and a completed and signed Form G-325A for both the petitioner and the beneficiary. If approved, the alien can apply for an immigrant visa at a U.S. consulate or can apply for adjustment of

*status to lawful permanent residence (Form I-485 under section 245 of the Immigration and Nationality Act). A petition is required on behalf of an orphan (See definition of "child" under immediate relatives of U.S. citizens). Form I-600 is used for this purpose. Only United States citizens can file a petition for an orphan.

VISA PETITIONS—WORKERS

A visa petition is required to be filed and approved before an alien can be classified under the 3rd or 6th preference categories. Form I-140 is used for this purpose. The petitioner under 3rd preference can be the alien seeking that classification, the person or business seeking the services of the alien or any person applying on the alien's behalf. The petitioner under 6th preference is always the person or business seeking the services of the alien. In either case a "labor certification" is needed. This certification is made by the U.S. Department of Labor.

CHANGE OF STATUS FROM ONE NONIMMIGRANT CATEGORY TO ANOTHER

If you are legally admitted to the United States as a nonimmigrant and are maintaining your nonimmigrant status, in most instances, you may apply to change to another nonimmigrant status on Form I-506. To change to a new status you must qualify to meet the requirements of the new status. A visa petition is required for classification under H or L status. (See Nonimmigrant, Special Requirements section).

Exchange aliens are limited in making some changes of nonimmigrant status. If you are a J-1 or J-2 and are seeking to change nonimmigrant status you should contact your program's responsible officer or an Immigration and Naturalization Service office for further information.

LEGALIZING YOUR STATUS

In the cases of some foreign-born persons who are in the United States there are no records showing admission for permanent residence, or at least no records can be found. These persons may have been brought here during childhood and may never have known just when or how they came; or they may have come here as visitors or other temporary nonimmigrant class and decided to stay; or they may have entered unlawfully.

Since no records of lawful admission for permanent residence can be identified, they cannot become citizens of the United States until such records have been made. An alien eligible for citizenship and not within a class barred from the United States under the immigration laws—such as criminals and other immoral persons, subversives, smugglers, and persons unlawfully connected with narcotics—who has had his or her residence in the United States ever since sometime before January 1, 1972, can have a record of lawful admission to the United States for permanent residence created if he or she is a person of good moral character. The application is Form I-485, "Application for Permanent Residence." This form, together with information about the procedure to be followed, may be obtained from the nearest Immigration and Naturalization Service office. The required fee, photographs and supporting documents must be filed with the nearest Immigration and Naturalization Service office.

If an applicant can prove that he or she has been in the United States since before July 1, 1924, the record of admission will be made as of the date of actual entry into the United States and he or she will be able to apply for citizenship without completing any more residence in the United States. If an applicant did not come to the United States until on or after July 1, 1924, the record of admission will be made as of the date the application is approved and he or she will then have to complete whatever additional residence and physical presence in the United States are required for naturalization.

Persons who came to the United States illegally on or after January 1, 1972, should ask for information

* and advice from the nearest office of the Immigration and Naturalization Service or a social service agency.

ADJUSTMENT OF STATUS FROM NONIMMIGRANT TO IMMIGRANT

If you are a nonimmigrant, you may be eligible to become an immigrant in the United States if the following apply to you:

1. You were inspected and either admitted or paroled into the United States. (You would have been issued an arrival/departure card, Form I-94, unless you are a Canadian or British subject, landed immigrant in Canada, as evidence of your inspection and admission or parole).

2. You are the beneficiary of an approved petition I-130 or I-140. (See immigrants; visa petitions—relatives, visa petitions—workers).

3. A visa number is immediately available to you. Visa numbers are assigned on the basis of filing date priority. In the case of a relative the date your petition was filed is your priority date. Under the employer/employee category, it is the date the application for labor certification was filed.

4. You did not work in the United States without Immigration and Naturalization Service permission after 1/1/77. (This does not apply if you are an immediate relative or special immigrant. See section under those titles for definitions.)

If you are eligible under the four rules listed above you may file an application on Form I-485.

REGISTRATION AND FINGERPRINTING

* All immigrants and most nonimmigrants are required to be registered. All immigrants are required to be fingerprinted. If you were over 14 years old when you became an immigrant you have already been fingerprinted. If you were under 14 and have now reached or passed that age, you must go to the nearest Immigration and Naturalization Service office

to be fingerprinted. You will then be issued a new Alien Registration Receipt Card (Form I-551) with a current photograph of you on the card.

If you have been issued an Alien Registration Receipt Card (Form I-551 or I-151) or an Arrival/Departure document (Form I-94) and are over 18 years old, you must have that document in your possession at all times. If your card is lost, stolen or is in bad condition, contact an Immigration and Naturalization Service office to apply for a replacement.

ADDRESS REPORTING

If you are an immigrant or nonimmigrant you must report your address to the Immigration and Naturalization Service within 10 days following any change of your address. Form AR-11 is used for this purpose.

PERMISSION TO ENTER THE UNITED STATES

You need special permission to reapply for admission to the United States if any of the following apply to you.

1. You were not allowed to enter the United States because a *judge* decided you could not enter. You were *excluded* after a *hearing* which occurred less than *one* year ago.

2. You were required to leave the United States because a *judge* decided you could not stay. You were *deported* after a *hearing* which occurred less than 5 years ago.

Important: To obtain this special permission you must file Form I-212. This form is a request for permission to reapply for admission into the United States and must be approved before you can be admitted to the United States.

List of offices of the Immigration and Naturalization Service from which information concerning matters referred to in this pamphlet may be obtained. (Indicates District Office)*

AGANA, GUAM 96910, U.S. Immigration & Naturalization Service, 801 Pacific News Bldg., 238 O'Hara Street

ALBANY, NY 12207, Room 220, U.S. Post Office & Courthouse, 445 Broadway

ALBUQUERQUE, NM 87103, Room 1114, 517 Gold Ave., S.W. Box 567

* ANCHORAGE, AK 99513-7851, Federal Bldg., U.S. Courthouse, 222 W. 7th Ave., Rm. D-233 Lock Box 16

* ARLINGTON, VA 22203, 4420 Fairfax Dr., Room 210

ATHENS, GREECE, U.S. Immigration & Naturalization Service, c/o American Embassy, APO New York, NY 09253

* ATLANTA, GA 30303, Federal Annex Bldg., Room G-85, 77 Forsyth St., S.W.

* BALTIMORE, MD 21201, E.A. Garmatz Federal Building, 101 W. Lombard St.

* BANGKOK, THAILAND, U.S. Immigration & Naturalization Service, c/o American Embassy, Bangkok, Thailand, Box 12, APO San Francisco, CA 96346-0001

* BOSTON, MA 02203, John Fitzgerald Kennedy Federal Building, Government Center

* BUFFALO, NY 14202, 68 Court Street
CHARLOTTE, NC 28217, 6 Woodlawn Green, Suite 138

* CHICAGO, IL 60604, Dirksen Federal Office Building, 219 South Dearborn Street

CINCINNATI, OH 45202, Federal Bldg., Room 8525, 550 North Main St.

CIUDAD JUAREZ, MEXICO, U.S. Immigration & Naturalization Service, c/o American Consulate General, Ciudad Juarez, P.O. Box 9896, El Paso, TX 79989-9896

* CLEVELAND, OH 44199, Anthony J. Celebrezze Federal Office Building, 1240 East 9th Street, Rm. 1917

- * DALLAS, TX 75242, Room 6A21, Federal Bldg.,
1100 Commerce Street
- * DENVER, CO 80202, 1787 Federal Office Building,
1961 Stout Street
- * DETROIT, MI 48207, Federal Building, 333 Mount
Elliott Street
- * EL PASO, TX 79984, 700 E. San Antonio St., Post
Office Box 9398
- FRANKFURT, GERMANY, U.S. Immigration &
Naturalization Service, c/o American Consulate
General, Box 12, APO NY 09213
- FRESNO, CA 93721, Federal Bldg., U.S. Court-
house, 1130 "O" Street
- GUADALAJARA, MEXICO, c/o Officer In
Charge, U.S. Immigration & Naturalization Ser-
vice, Box 3088, Laredo, TX 78044
- * HARLINGEN, TX 78550, 2102 Teege Rd.
- HARTFORD, CT 06103-3060, Ribicoff Federal
Bldg., 450 Main Street
- * HELENA, MT 59601, Federal Building, 301 S.
Park, Rm. 512
- HONG KONG, BRITISH CROWN COLONY,
U.S. Immigration & Naturalization Service, c/o
American Consulate General, Box 30, FPO San
Francisco, CA 96659
- * HONOLULU, HI 96813, 595 Ala Moana
Boulevard, Post Office Box 461
- * HOUSTON, TX 77060, 509 North Belt, Main
Floor
- INDIANAPOLIS, IN 46204, U.S. Federal Bldg. &
Courthouse, 46 East Ohio Street
- JACKSONVILLE, FL 32202, Federal Building,
Room G-18, 400 W. Bay Street, Box 35029
- * KANSAS CITY, MO 64153, 9747 N. Conant
Avenue
- LAS VEGAS, NV 89101, Federal Building, U.S.
Courthouse, 300 Las Vegas Boulevard South
- LONDON, ENGLAND, U.S. Immigration &
Naturalization Service, c/o American Embassy,
London Box 6, FPO NY 09509
- * LOS ANGELES, CA 90012, 300 North Los
Angeles Street
- LOUISVILLE, KY 40202, Room 601, U.S. Court-
house Bldg., West 6th & Broadway

MANILA, PHILIPPINE ISLANDS, U.S. Immigration & Naturalization Service, c/o American Embassy, 1201 Roxas Boulevard, APO San Francisco, CA 96528

MEMPHIS, TN 38103, 814 Federal Building, 167 North Main Street

* MEXICO CITY, MEXICO, U.S. Immigration & Naturalization Service, c/o American Embassy, Mexico City, Room 118, P.O. Box 3087, Laredo, TX 78044

* MIAMI, FL 33138, 7880 Biscayne Blvd.

MILWAUKEE, WI 53202, Federal Building, 517 East Wisconsin Avenue, Rm. 186

MONTERREY, MEXICO, U.S. Immigration & Naturalization Service, c/o American Consulate General, Monterrey P.O. Box 3098, Laredo, TX 78041

NAIROBI, KENYA, U.S. Immigration & Naturalization Service, c/o American Embassy, Nairobi Box 12, APO NY 90675

* NEWARK, NJ 07102, Federal Building, 970 Broad Street

NEW DELHI, INDIA, U.S. Immigration & Naturalization Service, c/o American Embassy, New Delhi, India, U.S. Department of State, Washington, D.C. 20520-9000

* NEW ORLEANS, LA 70113, Postal Services Building, 701 Loyola Avenue, Room T-8005

NORFOLK, VA 23510, Norfolk Federal Building, Rm. 439, 200 Granby Mall

OKLAHOMA CITY, OK 73108, 4149 Highline Blvd., Suite 300

* OMAHA, NE 68102, Room 1008, Federal Building, 106 South 15th Street

PANAMA CITY, PANAMA, U.S. Immigration & Naturalization Service, c/o American Embassy, Panama APO Miami, FL 34002

* PHILADELPHIA, PA 19106, Room 1321, U.S. Courthouse Independence Mall West, 601 Market Street

* PHOENIX, AZ 85025, Federal Building, 230 North First Avenue

PITTSBURGH, PA 15222, 2130 Federal Building, 1000 Liberty Avenue

- * PORTLAND, ME 04103, 739 Warren Avenue
- * PORTLAND, OR 97209, Federal Office Bldg., 511
N.W. Broadway
- PROVIDENCE, RI 02903, 203 John O. Pastore,
Federal Building
- RENO, NV 89502, 712 Mill Street
- * ROME, ITALY, U.S. Immigration & Naturalization
Service, c/o American Embassy, Rome, Italy
APO New York, NY 09794-0007
- SACRAMENTO, CA 95814, Federal & U.S. Court-
house Bldg., Room 1-060, 650 Capitol Mall
- ST. ALBANS, VT 05478, Federal Building, Post
Office Box 328
- ST. LOUIS, MO 63101, Room 100, 210 North
Tucker Blvd.
- * ST. PAUL, MN 55101, 927 New Post Office Build-
ing, 180 E. Kellogg Blvd.
- SALT LAKE CITY, UT 84101, 230 West 400 South
Street
- * SAN ANTONIO, TX 78206, U.S. Federal Build-
ing, Suite A301, 727 East Durango
- * SAN DIEGO, CA 92188, 880 Front Street
- * SAN FRANCISCO, CA 94111, Appraisers Build-
ing, 630 Sansome Street
- SAN JOSE, CA 95113, 280 South First Street
- * SAN JUAN, PR 00936, U.S. Immigration &
Naturalization Service, GPO Box 5068
- * SEATTLE, WA 98134, 815 Airport Way, South
- SEOUL, KOREA, U.S. Immigration & Naturaliza-
tion Service, c/o American Embassy, APO San
Francisco, CA 96301
- SINGAPORE, U.S. Immigration & Naturalization
Service, c/o American Embassy, Singapore, FPO
San Francisco, CA 96699-0001
- SPOKANE, WA 99201, 691 U.S. Courthouse
Building
- TAMPA, FL 33609, 5509 West Gray St., Suite 113
- TIJUANA, MEXICO, U.S. Immigration &
Naturalization Service, c/o American Consulate
General, Tijuana, P.O. Box 1358, San Ysidro, CA
92073-1358
- VIENNA, AUSTRIA, U.S. Immigration &
Naturalization Service, c/o American Consulate
General, Vienna, Austria APO New York, NY
09108